

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-26-KDB-DCK

PRISCILLA PHILPOT,)
)
Plaintiff,)
)
vs.)
)
COMMISSIONER OF SOCIAL SECURITY,) **ORDER**
)
)
Defendant.)
)

THIS MATTER is before the Court sua sponte.

The Plaintiff is seeking review of a final determination denying a claim under the Social Security Act. [See Doc. 1]. The Court denied the Plaintiff's original Application to proceed in forma pauperis and granted the Plaintiff the opportunity to amend. [Doc. 3]. The Plaintiff filed an Amended Application that again failed to justify her request to proceed in forma pauperis and, on February 16, 2023, the Court ordered the Plaintiff to pay the full filing fee in \$20 installments. [Doc. 6]. The Plaintiff filed a Motion for Reconsideration which was denied.¹ [Docs. 8, 9].

The Plaintiff has failed to make any installment payments pursuant to the Court's Order and the time to do so has long expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

¹ The Court noted that the Second Amended Application to proceed in forma pauperis that was attached to the Motion for Reconsideration was also inadequate. [See Doc. 9 at 3].

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's February 16, 2023 Order.
2. The Clerk of this Court is directed to close this case.

Signed: August 8, 2023



Kenneth D. Bell
United States District Judge

